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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 RICHARD ROY SCOTT,

9 Plaintiff,

10 CASE NO. C11-5509BHS

11 v.

12 KELLY CUNNINGHAM,

13 Defendant.

14 ORDER ADOPTING REPORT
15 AND RECOMMENDATION

16 This matter comes before the Court on the Report and Recommendations (“R&R”)
17 of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkts. 105, 106, &
18 107) and Plaintiff Richard Roy Scott’s (“Scott”) objections to the R&R (Dkt. 114).

19 On December 12, 2011, Judge Strombom issued all three R&Rs recommending
20 that the Court deny Scott’s three motions for declaratory relief because they are without
21 merit and not supported by the record. *See, e.g.*, Dkt 106. Judge Strombom also
22 recommends that the Court admonish Scott pursuant to the case management orders
23 regulating his vexatious litigation. *Id.* at 3.

24 Scott objects, arguing (1) that the motions were unopposed and should have been
25 granted on that basis alone and (2) that the issues he seeks declaratory judgment on are
26 within the scope of his complaint. Dkt. 114. First, all three of Scott’s motions were
27 opposed. *See* Dkts. 72, 73, & 74. Thus, Scott is not only wrong, but he has
28 misrepresented facts to the Court.

1 Second, Scott's motions contain broad allegations of unconstitutional policies.
2 These issues are not within the scope of his complaint, which alleges violations that
3 specifically apply to how he is being treated individually. Therefore, Scott's objections
4 are without merit.

5 With regard to the admonishment, the Court agrees with Judge Strombom. Scott
6 has filed numerous duplicative motions such as motions for temporary relief and to
7 appoint counsel. Scott is hereby on notice that further duplicative or cumulative motions
8 will result in dismissal of this action.

9 Therefore, the Court having considered the R&Rs, Scott's objections, and the
10 remaining record, does hereby find and order as follows:

- 11 (1) The R&Rs are **ADOPTED**;
- 12 (2) Scott's motions for declaratory relief (Dkts. 64, 65 & 67) are **DENIED**; and
- 13 (3) Scott is **ADMONISHED** that further duplicative or cumulative motions
14 will result in **DISMISSAL**.

15 DATED this 16th day of February, 2012.

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BENJAMIN H. SETTLE
United States District Judge